

# **WISCONSIN LEGISLATIVE COUNCIL STAFF**

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 00-014**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

### **2. Form, Style and Placement in Administrative Code**

a. Section PI 24.02 indicates that the aid amount “must” equal \$2,000; it should indicate that the aid amount “shall” equal \$2,000. In s. PI 24.02, “shall” should replace “is required to” and “is also required to.” Section PI 24.03 (3) (intro.) indicates that the department “will” estimate the aid; it should indicate that the department “shall” then estimate the aid. Section PI 24.03 (3) (a) indicates that the department “will” enter into contracts; it should indicate that the department “shall” enter into contracts. [See s. 1.01 (2), Manual.]

b. In s. PI 24.06 (1) (b), the reference to “par. (1) (a)” should be changed to “par. (a).” [See s. 1.07 (2), Manual.]

c. In the first sentence of s. PI 24.06 (1) (b), “thereof” should be replaced by a more specific phrase, such as “of the classroom.” [See s. 1.01 (9) (c), Manual.]

d. In the last sentence of s. PI 24.06 (1) (b), “said information” should be changed to “the information.” [See s. 1.01 (9) (c), Manual.]

e. In s. PI 24.07 (3) and (4), the phrase “department will not pay” should be changed to “department may not pay.” [See s. 1.01 (2), Manual.]

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

Section PI 24.01 (3) refers to an educational unit that is named on the “PI-1290 fall enrollment report.” A cross-reference to the provision in the administrative rules that provides for the submission of this report would be helpful.

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. Section PI 24.03 (1) refers to school districts “that were eligible to participate in the 1996-97 and 1998-99 school years.” This should be changed to refer to school districts “that were eligible to participate in the SAGE program in the 1996-97 and 1998-99 school years.”

b. Section PI 24.03 (1) refers to an enrollment that was “at least 0% low-income.” Is this intended?

c. Section PI 24.03 (2) indicates that “Contracts beginning in the 2000-01 school year shall be submitted by April 1, 2000.” This should indicate that “Applications for contracts beginning in the 2000-01 school year shall be submitted by April 1, 2000.” Also, the phrase “contracts submitted by the initial April 1 deadline” should be changed to “contracts for which an application was submitted by the initial April 1 deadline.”

d. In s. PI 24.05, the phrase “school district is eligible” should be changed to “school district, other than a school district under ch. 119, Stats., is eligible.” The phrase in s. PI 24.06 (1) (intro.), “other than a school district under ch. 119, Stats.,” should be deleted.

Unless these changes are made, the rule incorrectly states that the Milwaukee Public Schools are eligible for state aid for debt service under s. 118.43 (8), Stats., without having to meet the requirements listed in s. PI 24.06. This is contrary to s. 118.43 (8) (a), Stats., which states that the provision for state aid for debt service does not apply to the Milwaukee Public Schools.

e. To avoid duplicative language, the last sentence of s. PI 24.06 (1) (a) (intro.) should be changed to the following: “The resolution shall include all of the following:”.

f. Section PI 24.07 (1) indicates that “[t]he department shall develop a proration formula if adequate funds are not available.” It is not clear what this proration formula will be based on; for example, will it be based on the total amounts of bonds approved by referendum or based on the total number of low-income students? According to s. 227.10 (1), Stats., the formula should be promulgated as an administrative rule, rather than stating that the Department of Public Instruction must develop a formula.

g. The form PI-SAGE should be updated so that it has current dates.